

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

IMPLICIT, LLC,

Plaintiff,

v.

NETSCOUT SYSTEMS, INC.,

Defendant.

§
§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. 2:18-CV-00053-JRG

**MINUTES FOR JURY TRIAL DAY THREE
HELD BEFORE U. S. DISTRICT JUDGE RODNEY GILSTRAP
December 11, 2019**

OPEN: 8:31 a.m.

ADJOURN: 5:54 p.m.

ATTORNEYS FOR PLAINTIFF:	See attached.
ATTORNEYS FOR DEFENDANTS:	See attached.
LAW CLERKS:	Taylor Fitzner Christian Chessman
COURT REPORTER:	Shelly Holmes, CSR-TCRR
COURTROOM DEPUTY:	Jan Lockhart

<u>TIME</u>	<u>MINUTES</u>
8:31 a.m.	Court opened. Exhibits used prior day read into the record.
8:34 a.m.	Jury returned to the courtroom. Direct examination of Paul Barrett by Mr. Buresh.
9:36 a.m.	Bench conference.
9:38 a.m.	Direct examination of Paul Barrett by Mr. Buresh.
9:46 a.m.	Bench conference.
9:47 a.m.	Jury excused for recess. Hearing outside the presence of the Jury.
9:49 a.m.	Court recess.
10:11 a.m.	Court reconvened. Jury returned to the courtroom. Cross examination of Paul Barrett by Mr. Hosie.
10:14 a.m.	Bench conference.
10:15 a.m.	Courtroom sealed. Cross examination of Paul Barrett by Mr. Hosie.
10:45 a.m.	Bench conference.

TIME	MINUTES
10:47 a.m.	Cross examination of Paul Barrett by Mr. Hosie.
10:54 a.m.	Courtroom unsealed. Redirect examination of Paul Barrett by Mr. Buresh.
10:56 a.m.	Recross examination of Paul Barrett by Mr. Hosie.
10:57 a.m.	Parties passed the witness. Bench conference.
10:58 a.m.	Direct examination of John Curtin by Mr. Buresh.
11:37 a.m.	Bench conference.
11:40 a.m.	Lunch recess for Jury. Hearing outside the presence of the Jury.
11:42 a.m.	Lunch recess.
12:40 p.m.	Court reconvened. Direct examination of John Curtin by Mr. Buresh.
12:59 p.m.	Cross examination of John Curtin by Mr. Hurt.
1:11 p.m.	Bench conference.
1:12 p.m.	Cross examination of John Curtin by Mr. Hurt.
1:30 p.m.	The parties passed the witness.
1:32 p.m.	Direct examination of Scott Dawson, Ph.D. by Mr. Buresh.
1:47 p.m.	Bench conference.
1:50 p.m.	Direct examination of Scott Dawson Ph.D. by Mr. Buresh.
2:01 p.m.	Recess.
2:16 p.m.	Jury returned to the courtroom.
2:17 p.m.	Direct examination of Scott Dawson, Ph.D. by Mr. Buresh.
2:24 p.m.	Courtroom sealed. Direct examination of Scott Dawson, Ph.D. by Mr. Buresh.
2:33 p.m.	Courtroom unsealed. Direct examination of Scott Dawson, Ph.D. by Mr. Buresh.
2:44 p.m.	Cross examination of Scott Dawson, Ph.D. by Mr. Davis.
2:45 p.m.	Courtroom sealed. Cross examination of Scott Dawson, Ph.D. by Mr. Davis.
2:58 p.m.	Bench conference.
2:59 p.m.	Cross examination of Scott Dawson, Ph.D. by Mr. Davis.
3:04 p.m.	Parties passed the witness. Courtroom unsealed. Direct examination of Kevin Jeffay, Ph.D. by Mr. Buresh.
3:19 p.m.	Bench conference.
3:20 p.m.	Direct examination of Kevin Jeffay, Ph.D. by Mr. Buresh.
3:22 p.m.	Bench conference.
3:23 p.m.	Direct examination of Kevin Jeffay, Ph.D. by Mr. Buresh.
4:02 p.m.	Recess.
4:17 p.m.	Court reconvened. Jury returned to the courtroom. Direct examination of Kevin Jeffay, Ph.D. by Mr. Buresh.
5:26 p.m.	Bench conference.
5:27 p.m.	Cross examination of Kevin Jeffay, Ph.D. by Mr. Hosie.
5:31 p.m.	Courtroom sealed.
5:32 p.m.	Courtroom unsealed.
5:37 p.m.	Courtroom sealed.
5:48 p.m.	Courtroom unsealed.
5:51 p.m.	Bench conference.
5:52 p.m.	Jurors excused for recess.
5:53 p.m.	Hearing outside the presence of the Jury.
5:54 p.m.	Court adjourned.